

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

SEP 13 1995

FCC MAIL ROOM

In the Matter of )  
 )  
Amendment of Part 90 of the )  
Commission's Rules to Provide )  
for the Use of the 220-222 MHz )  
Band by the Private Land )  
Mobile Radio Service )  
 )  
Implementation of Sections 3(n) )  
and 332 of the Communications )  
Act )  
 )  
Regulatory Treatment of Mobile )  
Services )

PR Docket No. 89-552

DOCKET FILE COPY ORIGINAL

GN Docket No. 93-252

To: The Commission

COMMENTS  
of  
Police Emergency Radio Services, Inc.;  
Dipak Comar;  
Warren Haas;  
Gerald Crozier;  
Robert Zammitto;  
New England/Kentucky 220 Holdings, LLC etal  
ROKK Associates

Respectfully submitted

By:

Robert A. Fay

President of  
Police Emergency Radio  
Services, Incorporated  
82 Herbert Street  
Framingham, MA 01701  
508/872-6200

and Consultant to the  
above listed parties

September 12, 1995

rec'd 0210  
LH

RECEIVED

SEP 13 1995

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FCC MAIL ROOM

In the Matter of	)	
	)	
Amendment of Part 90 of the	)	
Commission's Rules to Provide	)	PR Docket No. 89-552
for the Use of the 220-222 MHz	)	
Band by the Private Land	)	
Mobile Radio Service	)	
	)	
Implementation of Sections 3(n)	)	
and 332 of the Communications	)	
Act	)	GN Docket No. 93-252
	)	
Regulatory Treatment of Mobile	)	
Services	)	

To: The Commission

COMMENTS

-----

INTRODUCTION

-----

Robert Fay (FAY) is a twenty-five year veteran of the communications industry and currently serves as President of Police Emergency Radio Services, Incorporated (PERS) a wireless communications integration consultant. PERS is itself a 220-222 MHz licensee and has been contracted by numerous other licensees including Mr. Dipak Comar (COMAR), Mr. Gerald Crozier (CROZIER), Mr. Warren Haas (HAAS), Mr. Robert Zammitto (ZAMMITTO), New England/Kentucky 220 Holdings, LLC (NE/KENTUCKY) and others to provide consulting and development services relative to these licenses. Unlike many 220-222 MHz licensees, the aforementioned have been aggressively working to bring the potential benefits of this somewhat unique allocation to the public for over two years. These efforts have resulted in the ongoing development of a coordinated 220-222 MHz network which the public has found to be credible. This credibility has resulted in significant and diverse loading from numerous user categories including

## BACKGROUND

Despite the difficulties created by the lack of a filing window, we have worked diligently to move the fledgling 220-222 MHz industry forward using special temporary authorizations (STAs) to overcome problems with sites, terrain and interference. For the most part, we have needed to move these sites away from the congested downtown metropolitan area of a marketplace towards smaller markets and suburban areas. Nothing in the original report and order which established the 220-222 MHz allocation provided any indication that the Commission, which has routinely permitted modification of all other classes of licenses with appropriate protection to other licenses, would not permit comparable procedures for the 220-222 MHz service. Under the circumstances, we believe it is essential that the Commission adopt a reasonable relocation policy; a policy which takes into consideration both the Commission's vision for the future of this allocation with the needs of the incumbent licenses, particularly those who have attempted to perform due diligence and have already invested vast sums of money to make this valuable service available to the public. It is the consensus of the aforementioned group of licensees that the Commission's current proposal fails to provide sufficient latitude for the incumbent licensees and jeopardizes both the licensee's investment and ability to continue serving the public need as we have for the past eighteen (18) months.

## DISCUSSION

The aforementioned licensees respectfully request that the Commission reconsider its' position and provide consideration to those who have already constructed and are carrying legitimate loading on these systems and whose ability to continue to support this loading is predicated on the Commission's decision. We ask the Commission to consider our support of the comments being filed by the American Mobile Telecommunications Association (AMTA) and it's 220 MHz Council as an absolute minimum. AMTA's comments encompasses a plan which permits station relocation in a fashion which provides flexibility yet adequately addresses the Commission's concerns regarding mutual exclusivity. It is our sincere opinion that a relocation plan which does not create a regulatory burden should be considered acceptable by the Commission. Further, we believe that the Commission should be open to petition for relief in cases of terrain problems or the need to maintain an existing level of service to the public which would be endangered by a ruling issued to address the more common scenario. As mentioned

previously, there should be some credit rather than penalty to those licensees whom have attempted to move forward in the face of such regulatory uncertainty in an attempt to validate the entire premise of the 220-222 MHz allocation and the 5 KHz spectrum efficient bandwidth it mandated.

#### CONCLUSION

For the reasons discussed herein, PERS and the aforementioned 220-222 MHz licensees, strongly urge the Commission to adopt, as a minimum, the modified 220-222 MHz modification plan being submitted in the comments by AMTA and further, to consider accepting petitions for consideration of special needs from those licensees who have constructed and begun loading their systems in benefit of the public need.